

on either edge, ought to be avoided. By using the language of the 14th Amendment we feel that we keep our State in the main stream of development. We feel that we avoid the dangers of going out into new and untried language.

Now, my final point is this. The states and the Supreme Court under the 14th Amendment language have uniformly and unanimously held that the language of the Committee Report embraces state action.

Since the Civil Rights cases in 1883, the language of the 14th Amendment has been held to talk of state action. Delegate Mitchell herself concedes that, and since the concept of state action is embodied in the 14th Amendment language, the addition of the amendment I submit, does absolutely nothing.

It does not go any further, it does not do anything different from the 14th Amendment language. So consequently, in conclusion, let me say we are talking about state action, but we are talking about the overall, the bigger, broader principle of colorblindness.

We believe that the 14th Amendment does that. We think that is what we want and that is why we desire it.

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: Delegate Gallagher.

THE CHAIRMAN: Delegate Gallagher.

How much time do you allot to Delegate Gallagher?

DELEGATE MITCHELL: Two minutes.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, ladies and gentlemen of the Committee: I rise briefly to support this amendment, because I remember this General Assembly when abortive attempts were made to adopt the language of the 14th Amendment to the Constitution of the United States, and I think it would be a significant thing to put the power and the majesty of the law behind the rights which we believe ought to be accorded to every citizen.

In spite of what might have been said about a redundancy in language, it would seem to me that because of the protracted manner in which many of the rights which belong to all our citizens have been accorded, this amendment would serve Maryland well and bring to this Convention a measure of appreciation by all of those

who have suffered so long as a result of unequal application of the laws.

As has been said so often, all men were born equal. But it is proved unfortunately that some were born more equal than others and I suggest to you and respectfully submit that to adopt this language would provide Maryland citizens with the kind of spirit in which to interpret the laws with respect to equal protection and lack of discrimination.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Yes, sir.

THE CHAIRMAN: You have ten minutes you may allot.

DELEGATE HARDWICKE: I yield three minutes to Delegate Dabrowski.

THE CHAIRMAN: Delegate Dabrowski.

DELEGATE DABROWSKI: Mr. Chairman, ladies and gentlemen of the Committee: I rise not so much as an individual voice, but rather as a representative voice of the people who sent me here. I would not attempt to enumerate the merits of desegregation, but instead I trust your decision to vote against the minority will be based on a very essential fact. The fact is that you and I are being asked to insert several words into our constitution, "nor be subject to discrimination by the State because of race, color, religion, or national origin."

I submit not even the proponents know the meaning of these words, and yet you and I are asked to submit them into our constitution.

In fact, what does due process mean? The courts for years have been trying to determine this. In Baltimore City we had a ruling by the liquor board, not even a judge, that would allow Negroes to enter taverns.

This is not even a judge, and yet this was his interpretation. The minority suggests that this is a mandate to the courts. We had a court decision today by the Supreme Court that said, Communists could now work in defense industry, which just proves that nine old men are still running our country.

If we adopted the minority's wording we could get a very narrow determination by a conservative judge, and a more liberal understanding from a liberal judge.

May I caution you by saying that no positive determination on our part will